

Mark R. Vermeulen [CSBN 115381]
Law Office of Mark R. Vermeulen
755 Florida Street #4
San Francisco, CA 94110.2044
Phone: 415.824.7533
Fax: 415.824.4833

Attorney for Defendant
VANESSA SHORT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

| | |
|---------------------------|--|
| UNITED STATES OF AMERICA, |) No. CR 08-0251 MMC |
| Plaintiff, |) |
| v. |) EX PARTE APPLICATION FOR |
| |) MODIFICATION OF COURT'S ORDER RE: |
| VANESSA SHORT, et al., |) DRUG/ALCOHOL TESTING, WITH THE |
| Defendants. |) APPROVAL OF THE AUSA AND PRETRIAL |
| |) SERVICES; DECLARATION OF COUNSEL |
| |) |

Defendant Vanessa Short, through counsel, applies *ex parte* to the Magistrate Judge to strike the release condition regarding drug/alcohol testing. As set forth in the attached declaration of counsel, Pretrial Services and the Assistant U.S. Attorney handling this matter have no objection to this request. A proposed order accompanies this application.

Dated: July 14, 2008

Respectfully submitted,

/S/_____
Mark R. Vermeulen
Attorney for Defendant
VANESSA SHORT

DECLARATION OF COUNSEL

I, Mark R. Vermeulen, declare:

1. I am an attorney duly admitted to practice before this Court and I represent Defendant Vanessa Short in this action.

2. Ms. Short earlier requested of Pretrial Services that they assist her in obtaining mental health counseling services. Pretrial Services did so, and the Court issued an order modifying her conditions of release to include a condition that she participate in mental health counseling through Pretrial Services. *See Order/Cover Sheet* filed June 26, 2008 (Doc. 26).

3. That order included the additional condition that Ms. Short submit to drug-alcohol testing if deemed appropriate and as directed by Pretrial Services. I've spoken with Paul Mamaril, the Pretrial Services Officer supervising Ms. Short, and with Derek Owens, the Assistant U.S. Attorney handling this matter, noting that I would be requesting that the Court strike the condition regarding drug/alcohol testing. Mr. Mamaril and Mr. Owens both have indicated to me that they have no objection to my request.

4. I will email a copy of this application and the accompanying proposed order to Mr. Mamaril on the same date I file this via ECF, and a copy of each will be provided to Mr. Owens automatically via ECF filing.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 14, 2008 at San Francisco, CA.

/S/
Mark R. Vermeulen